

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BUCHANAN INGERSOLL &	§
ROONEY, P.C., and RICHARD	§
FORSTEN,	§ No. 436, 2011
	§
Defendants Below-	§
Appellants,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
NINE NINETY NINE, L.L.C.,	§ C.A. No. 08C-12-258
	§
Plaintiff Below-	§
Appellee.	§

Submitted: August 17, 2011

Decided: August 25, 2011

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 25th day of August 2011, it appears to the Court that:

(1) The defendants-appellants have petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court dated July 29, 2011. Among other things, the trial court's order denied the defendants' motion for summary judgment on statute of limitations grounds.

(2) The defendants filed their application for certification to take an interlocutory appeal in the Superior Court on August 8, 2011. The Superior Court denied the certification application on August 16, 2011. When the trial judge

denied the certification, he expressed the view that even if this Court reversed on the statute of limitations question, the case would be remanded and remain active.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, this Court has concluded that the application for interlocutory review does not meet the requirements of Supreme Court Rule 42(b) and should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal be REFUSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice